

BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.

ATTORNEYS AT LAW

RALEIGH, NORTH CAROLINA

MAILING ADDRESS
POST OFFICE BOX 1800
RALEIGH, N.C. 27602

OFFICE ADDRESS
1600 WACHOVIA CAPITOL CENTER
150 FAYETTEVILLE STREET MALL
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

HENRY E. FRYE
OF COUNSEL

J. LEE LLOYD
SPECIAL COUNSEL

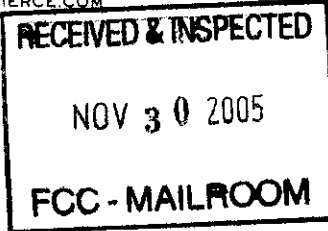
FOUNDED 1897

AUBREY L. BROOKS (1872-1958)
W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1968)
KENNETH M. BRIM (1898-1974)
C.T. LEONARD, JR. (1929-1983)
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THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)
HUBERT HUMPHREY (1928-2003)

GREENSBORO OFFICE
2000 RENAISSANCE PLAZA
230 NORTH ELM STREET
GREENSBORO, N.C. 27401

WASHINGTON OFFICE
601 PENNSYLVANIA AVENUE, N.W.
SUITE 900, SOUTH BUILDING
WASHINGTON, D.C. 20004

WRITER'S DIRECT DIAL



November 29, 2005

L.P. McLENDON, JR.
EDGAR B. FISHER, JR.
W. ERWIN FULLER, JR.
JAMES T. WILLIAMS, JR.
WADE H. HARGROVE
M. DANIEL MCGINN
MICHAEL D. MEEKER
WILLIAM G. MCNAIRY
EDWARD C. WINSLOW III
HOWARD L. WILLIAMS
GEORGE W. HOUSE
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NATALIE KAY SANDERS
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TERESA DeLOATCH BRYANT
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ALEXANDER ELKAN
C. ROBIN BRITT, JR.
PATRICK J. JOHNSON
KATHERINE J. CLAYTON
JENNIFER A. GALASSI
KATHLEEN A. GLEASON
JANICE L. KOPEC
SUSAN M. YOUNG
DARRELL A. FRUTH

Via Overnight Mail and ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

**Re: KOCO-DT, Oklahoma City, Oklahoma
MB Docket No. 05-317
TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST**

Dear Ms. Dortch:

On behalf of Ohio/Oklahoma Hearst-Argyle Television, Inc. ("Hearst-Argyle"), permittee of Digital Television Station KOCO-DT, Oklahoma City, Oklahoma, this letter requests a waiver to prohibit satellite subscribers from obtaining signal tests of KOCO-DT's digital signal pursuant to Section 339(a)(2)(D)(vii) of the Communications Act, as amended by the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA"). The instant request is filed pursuant to the procedures set forth in the Commission's Public Notice in DA 05-2979 (Nov. 17, 2005).

KOCO-DT is the ABC affiliate located in the Oklahoma City Designated Market Area ("DMA"). The Oklahoma City DMA is ranked 45th among Nielsen Media's 210 television markets for the 2005-2006 television season. KOCO-DT has received a tentative digital channel designation

of Channel 7, which is KOCO-DT's allotted digital channel. *See* Public Notice, DA 05-2649 (Oct. 4, 2005). Accordingly, absent grant of the instant waiver request, effective April 30, 2006, satellite subscribers may request a signal test to demonstrate eligibility under SHVERA to receive a distant digital signal of a station affiliated with the same network as KOCO-DT.

Pursuant to **Section 339(a)(2)(D)(viii)(IV)** of the Act, Hearst-Argyle requests a waiver on the basis that KOCO-DT "experiences a substantial decrease in its digital signal coverage due to necessity of using [a] side-mounted antenna."

As certified in its Form 381 filing (FCC File No. BCERCT-20041105ABA), KOCO-DT intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-20010904ABG. KOCO-DT is currently operating its DTV facility at maximum permissible power from a lower HAAT with a side-mounted antenna as authorized by Special Temporary Authority ("STA") in FCC File No. BMDSTA-20030604ACT. As previously explained to the Commission in KOCO-DT's request for waiver of the maximization deadline filed on July 1, 2005, it is physically impossible for KOCO's tower to support KOCO-DT's DTV antenna at its maximized HAAT until its top-mount NTSC antenna is removed at the end of the DTV transition.

While KOCO-DT is currently operating its DTV facility at maximum permissible power from the HAAT and side-mounted antenna authorized in its STA, the present operation results in a substantial decrease in its digital signal coverage area compared to its future maximized facility. As previously submitted to the Commission, KOCO-DT's present STA operation is predicted to provide service to 1,400,772 people, while its future operation is predicted to provide service to 1,411,803 people. *See* Hearst-Argyle Supplement to Maximization Waiver Request, Engineering Statement, MB Docket No. 03-15 (July 1, 2005).

Thus, absent grant of the instant waiver request to prevent signal testing under SHVERA, KOCO-DT is in jeopardy of losing service to 11,031 people who may otherwise be eligible to receive service from a distant network affiliate.

Furthermore, were KOCO-DT to proceed with construction of its maximized facility before the end of the DTV transition, Hearst-Argyle would have to significantly modify its tower with more structural support, which three years ago was estimated to cost approximately \$1,145,000 and would require KOCO's NTSC facility to operate at reduced power for at least a month during the construction of the tower support. Because the additional structural support will not be necessary when Hearst-Argyle's NTSC antenna is removed, the significant expense involved to correct a temporary condition is not economically justifiable. Furthermore, completion of KOCO-DT's maximization facility before the end of the DTV transition would require Hearst-Argyle to lower KOCO's NTSC antenna, resulting in a loss of NTSC service to approximately 51,402 people. *See id.*

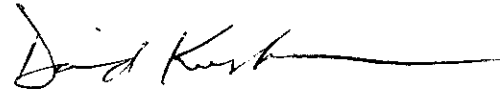
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Accordingly, because KOCO-DT experiences a substantial decrease of 11,031 people in its digital signal coverage area due to the present side-mount installation of its DTV antenna and because construction of its maximized facility prior to the end of the DTV transition would result in a substantial loss of NTSC service, KOCO-DT satisfies the waiver criterion of Section 339(a)(2)(D)(viii)(IV) of the Act.

For the reasons stated herein, Hearst-Argyle requests a waiver to prohibit digital signal testing under SHVERA. If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



David Kushner
Coe W. Ramsey
*Counsel to Ohio/Oklahoma
Hearst-Argyle Television, Inc.*

cc: Via Hand-Delivery
Nazifa Sawez
Federal Communications Commission
Room 2-A726
445 12th Street, S.W.
Washington, DC 20554